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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,250	03/23/1999	TOSHINAO KOMURO	21.1908	8151

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WASHINGTON, DC 20001

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/21/2003

*15*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/274,250

Applicant(s)  
Komuro

Examiner  
Steve Sax

Art Unit  
2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/6/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. This application has been examined.
2. The amendment filed 3/6/03 has been entered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al (6421675) and Gaffaney et al (5634008).
5. Regarding claim 2, Ryan et al show a viewer to display on a display unit images accessible by associated identifying information (URL website) (Figures 2, 3A, column 4 lines 30-42), comprising: a definition management note to store a number of times of display of an accessed image by the associated unique identifying information (Figures 3B, 5, 7, column 2 lines 25-37, column 6 lines 5-12 and 29-50, column 9 lines 5-15), an importance degree unit to count the number of times of display of an accessed image by the associated unique identifying

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information (column 9 lines 5-15 and 40-55, column 11 lines 45-68). Ryan et al do not specifically mention the threshold values corresponding to the identifying information, or the subsequent setting of a mark when the counted number of times exceeds one of these threshold values, but do mention updating the count of web site hits (image access) (column 11 lines 40-50) to determine importance or relevance of a network site (website). Furthermore, Gaffaney et al show threshold values corresponding to identifying information and setting a mark when a count exceeds a threshold value (Figures 4A-B, column 2 lines 50-63, column 4 lines 42-50, column 8 lines 5-20), to determine relevance or importance to a network site. It would have been obvious to a person with ordinary skill in the art to have threshold values corresponding to identifying information and setting a mark when a count exceeds a threshold value, in Ryan et al, because it would provide a convenient way to determine importance or relevance of a network site in a system that updates counts of network site access. Neither Ryan et al nor Gaffaney et al specifically show details of displaying the importance mark per se on the display unit, but Gaffaney et al do show displaying alert and information marks on a terminal display (column 4 lines 1-12 and 26-33) to provide convenient access to identifying information. It would have been obvious to a person with ordinary skill in the art to have the importance marks also displayed on a display unit, because it would provide convenient access to identifying information.

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6. Regarding claim 3, Ryan et al show the associated images themselves as the object counted (column 2 lines 25-37). The obviousness to threshold values is the same as above.
7. Regarding claims 4-5, the viewer is a browser and the identifying information is a URL (Ryan et al column 5 lines 34-38).
8. Regarding claim 6, the degree mark may be indicated by characters being displayed (Ryan et al Figure 6 for example) Note that this is all that is required to fulfil the claim recitation.
9. Regarding claims 8, in addition to the aforementioned, the information is relating to a web page (Ryan et al column 5 lines 30-40).
10. Regarding claim 7, when the threshold is exceeded, a process is designated (Gaffaney et al column 8 lines 5-20).
11. Regarding claims 9-10 and 12, depending on the number of times counted, the the web pages are 'registered' or called on hold in an order of their display frequency (Ryan et al column 12 lines 25-40 for example).

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12. Regarding claim 11, when the URL is selected, it generates the web page (Ryan et al column 5 lines 30-40).

13. Claims 13-20 show the same features as above and are rejected for the same reasons.

14. Applicant's arguments with respect to claims 2-20 have been considered but are moot in view of the new details of rejection. Note though that the motivation is in fact proper in that

Ryan et al do show the need to update counts to determine importance or relevance of a network

site, and Gaffaney et al do show a common way in the art to do so.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

STEVEN SAX  
PRIMARY EXAMINER